

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MARGARET HOOBLER,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY  
OF AMERICA,

Defendant.

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C.A. No. 3:17-cv-01397

**INDEX OF STATE COURT FILED DOCUMENTS**

**Date Received / Filed**

- |    |   |         |
|----|---|---------|
| 1. | Docket Sheet from Dallas County, Texas, 298th Judicial District | N/A     |
| 2. | Plaintiff's Original Petition                                   | 4/27/17 |
| 3. | Civil Case Information Sheet                                    | 4/27/17 |
| 4. | Citation Issued to Unum Life Insurance Company of America       | 5/03/17 |

Respectfully submitted,

By: /s/ Dennis M. Lynch

Dennis M. Lynch

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Roshanak Khosravighasemabadi

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FIGARI + DAVENPORT, LLP

901 Main Street, Suite 3400

Dallas, Texas 75202-3796

(214) 939-2000

(214) 939-2090 (Facsimile)

ATTORNEYS FOR UNUM LIFE

INSURANCE COMPANY OF AMERICA

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent via the Court's ECF system to Mr. Marc R. Stanley, Mr. Martin Woodward, Mr. Scott Kitner, Stanley Law Group, 6116 North Central Expressway, Suite 1500, Dallas, Texas 75206, on this the 25th day of May, 2017.

/s/ Dennis M. Lynch

Dennis M. Lynch

**1**

Case Information

DC-17-04993 | MARGARET HOOBLER vs. UNUM LIFE INSURANCE COMPANY OF AMERICA

Case Number	Court	File Date
DC-17-04993	298th District Court	04/27/2017
Case Type	Case Status	
INSURANCE	OPEN	

Party

PLAINTIFF

HOOBLER, MARGARET

Address

N/A

N/A

Dallas TX 11111

Active Attorneys▼

Lead Attorney

STANLEY, MARC R

Retained

Work Phone

214-443-4300

Fax Phone

214-443-0358

DEFENDANT

UNUM LIFE INSURANCE COMPANY OF AMERICA

Address

BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY  
DBA CSC-LAWY  
211 E 7TH ST  
AUSTIN TX 78701

Events and Hearings

04/27/2017 NEW CASE FILED (OCA) - CIVIL
04/27/2017 ORIGINAL PETITION ▼  Hoobler_Complaint_final.pdf
04/27/2017 CASE FILING COVER SHEET ▼  Case Cover Sheet.pdf
04/27/2017 ISSUE CITATION
05/03/2017 CITATION ISSUED ▼  DC1704993.pdf
05/03/2017 CITATION ▼  Anticipated Server ESERVE  Anticipated Method Comment ESERVE KK

**Financial**

HOOBLER, MARGARET				
Total Financial Assessment				\$295.00
Total Payments and Credits				\$295.00
5/1/2017	Transaction Assessment			\$295.00
5/1/2017	CREDIT CARD - TEXFILE (DC)	Receipt # 27060-2017-DCLK	HOOBLER, MARGARET	(\$295.00)

**Documents**

Hoobler_Complaint_final.pdf
Case Cover Sheet.pdf
DC1704993.pdf

**2**



NO. DC-17-04993

MARGARET HOOBLER,

*Plaintiff,*

v.

UNUM LIFE INSURANCE COMPANY  
OF AMERICA,*Defendant.*§  
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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Margaret Hoobler files this Original Petition against Defendant UNUM Life Insurance Company of America ("UNUM") and alleges as follows:

**I.****DISCOVERY CONTROL PLAN LEVEL**

1. Discovery shall be under Level 2 of the Texas Rules of Civil Procedure.

**II.****JURISDICTION AND VENUE**

2. Jurisdiction is proper as the subject matter of this case and amount in controversy are within the jurisdictional limits of this court.
3. Venue is proper in Dallas County, Texas because UNUM does business in Dallas County and all or a substantial part of the events and omissions giving rise to the causes of action occurred in Dallas County, Texas.
4. Under Texas Rule of Civil Procedure 47, Plaintiff currently seeks actual damages over \$200,000 and less than \$1,000,000, plus exemplary damages.

**III.**  
**PARTIES AND SERVICE**

5. Plaintiff Margaret Hoobler (“Margaret”) is an individual residing in Dallas County, Texas.

6. Defendant UNUM is a wholly-owned subsidiary of UNUM Group, and an insurer authorized to engage in the business of insurance in the State of Texas. UNUM may be served through its registered agent for service of process, Corporation Service Company, d/b/a CSC – Lawy, 211 East 7<sup>th</sup> Street, Suite 620, Austin, TX 78701.

**IV.**  
**BACKGROUND FACTS**

7. George Hoobler, II (“George”) purchased insurance from UNUM that named his wife Margaret as the beneficiary. That policy (118390) was in effect at all relevant times. Under the policy, UNUM agreed to pay:

- Life insurance of \$100,000 upon George’s death;
- An Accidental Death Benefit of additional \$100,000 where:
  - An accidental bodily injury (“bodily harm caused solely by external, violent and accidental means and not contributed to by any other cause”)
  - resulted in George’s death
  - within 365 days from the date of the accident<sup>1</sup>

8. On July 31, 2016, George was driving his pick-up truck from Tennessee to his home in Richardson, Texas and was involved in a fatal accident in Arkansas. According to a preliminary report from the Arkansas State Police, the accident occurred when George’s vehicle was driving west on Highway 140 at 12:16 PM and left the roadway, entered the center median, and came to rest partially submerged in a canal that flows under Highway 140.

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<sup>1</sup> A \$10,000 seatbelt and a \$5,000 airbag benefit also applies if UNUM paid the Accidental Death Benefit and, among other things, George sustained an accidental bodily injury that caused his death while driving or riding in his pick-up truck.

9. To escape the truck cabin, George climbed to the back seat and attempted to knock out the back window. In doing so, George suffered a fatal heart attack and died at the accident scene.

10. The accident precipitated George's distress and brought on the fatal heart attack.

11. The cause of death listed on George's death certificate was hypertensive atherosclerotic cardiovascular disease. An autopsy was performed and identified multiple abrasions and contusions of the face and extremities. All tests for drugs and alcohol were negative.

12. George's abrasions and contusions were from the accident.

13. Having lost her husband as the result of the accident, Margaret asked UNUM to honor its agreement and pay the \$100,000 life insurance and \$100,000 Accidental Death Benefit.

14. UNUM paid the \$100,000 life insurance, but UNUM declined to pay the additional \$100,000 Accidental Death Benefit, claiming that no evidence proved George's death was caused by accidental bodily injury.

15. Margaret has complied with all the terms of the policy and all conditions precedent to bringing suit, including sending required notices under the Texas DTPA and Civil Practices and Remedies Code.

**V.**  
**BREACH OF CONTRACT**

16. UNUM's failure to pay benefits under the policy is a breach of contract, causing Margaret damages.

**VI.**  
**VIOLATIONS OF THE TEXAS INSURANCE CODE**

17. UNUM knowingly violated provisions of the Texas Insurance Code, including, but not limited to, the following:

- a. Misrepresenting to a material fact or policy provision relating to coverage at issue;
- b. Refusing to pay a claim, in whole or part, without conducting a reasonable investigation based upon all available information;
- c. Not attempting in good faith to effectuate a prompt, fair, and equitable settlement of a claim when liability had become reasonably clear;
- d. Knowingly misrepresenting pertinent facts or policy provisions relating to coverage at issue; and/or
- e. Failing to pay a claim it is obligated to pay under an insurance policy within sixty (60) days following its receipt of all reasonably requested items, statements, and forms.
- f. Engaging in false, misleading or deceptive acts or practices under the Texas Deceptive Trade Practices (DTPA) as more fully described in the next section.

**VII.**  
**VIOLATIONS OF THE TEXAS DTPA**

18. At all relevant times herein, George and Margaret were “consumers,” as defined in DTPA §17.45(4).

19. The acts and/or omissions of UNUM violate provisions of the DTPA, including but not limited to the following:

- a. Representing that an agreement confers or involves rights that it did not have or involve;
- b. Representing that services are or will be of a particular standard or quality, if they are of another;
- c. Representing that services had or would have characteristics or benefits that they did not have;

- d. Engaging in an act or series of acts that have the tendency to deceive an average, ordinary person;
- e. Failing to comply with its duty of good faith and fair dealing to its policyholders; and/or
- f. Committing an unconscionable action or course of action, which, to George's and Margaret's detriment:
  - (1) UNUM took advantage of the lack of knowledge, ability, experience or capacity of George and Margaret to a grossly unfair degree; and/or
  - (2) UNUM's conduct resulted in a gross disparity between the value received and consideration paid, in a transaction involving the transfer of consideration

20. The conduct complained of above was done knowingly and/or intentionally and was a producing cause of Margaret's injuries and damages.

21. Margaret sent written notice to UNUM of her specific complaints and the amount of damages, including mental anguish and reasonable attorney's fees.

## **VIII.**

### **BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING**

22. By entering into a contract for insurance, a special relationship existed between (1) George and Margaret and (2) UNUM such that UNUM owed Margaret a duty of good faith and fair dealing. UNUM, however, breached that duty and proximately caused Margaret's injuries and damages.

## **IX.**

### **DAMAGES**

23. As a direct, producing, and proximate cause of UNUM's acts and/or omissions, Margaret has suffered losses and damages including, but not limited to:

- a. Loss of those sums due and owing under the UNUM Policy;

- b. Mental anguish damages;
- c. Reasonable and necessary expenses incurred in attempting to secure compliance with the UNUM policy;
- d. Exemplary damages;
- e. An amount not to exceed three times the amount of actual damages, pursuant to Tex. Ins. Code art 541.152(b);
- f. Prejudgment and postjudgment interest;
- g. Attorney's fees;
- h. Costs of suit;
- i. Treble damages under the DTPA; and
- j. Such other and further relief to which Margaret may be justly entitled.

**X.**  
**JURY DEMAND**

24. Margaret requests a jury trial.

**XI.**  
**REQUEST FOR DISCLOSURE**

25. Under Texas Rule of Civil Procedure 194, Margaret requests that UNUM disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

**XII.**  
**PRAYER**

26. Margaret requests that UNUM be cited to appear and answer, and that on final jury trial, Margaret be entitled to full relief as outlined above.

Respectfully submitted,

*/s/ Marc R. Stanley*

Marc R. Stanley

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6116 North Central Expressway, Suite 1500

Dallas, TX 75206

214.443.4300 (voice)

214.443.0358 (facsimile)

**ATTORNEYS FOR PLAINTIFF**

**3**



## CIVIL CASE INFORMATION SHEET

DC-17-04993

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED MARGARET HOOBLER, Plaintiff v. UNUM LIFE INSURANCE COMPANY OF AMERICA, Defendant

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: Marc R. Stanley Email: marcstanley@mac.com Address: 6116 North Central Expwy., Ste. 1500 City/State/Zip: Dallas, TX 75206 Telephone: 214-443-4300 Fax: 214-443-0358 Signature: [Signature] State Bar No: 19046500		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): Margaret Hoobler Defendant(s)/Respondent(s): UNUM Life Insurance Company of America [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input checked="" type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

## Instructions for Completing the Texas Civil Case Information Sheet

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. If the original petition, application or post-judgment petition or motion is e-filed, the case information sheet must not be the lead document.

This sheet, required by Rule 78a of the Texas Rules of Civil Procedure, is intended to collect information that will be used for statistical and administrative purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

The attorney or self-represented (*pro se*) plaintiff/petitioner filing the case or post-judgment petition or motion should complete the sheet as follows:

### 1. Contact information

**a) Contact information for person completing case information sheet.** Enter the following information:

- name;
- address;
- city, state, and zip code;
- email address;
- telephone number;
- fax number, if available;
- State Bar number, if the person is an attorney; and
- signature. (NOTE: When a case information sheet is submitted electronically, the signature may be a scanned image or "/s/" and the name of the person completing the case information sheet typed in the space where the signature would otherwise appear.)

**b) Names of parties in the case.** Enter the name(s) of the:

(NOTE: If the name of a party to a case is confidential, enter the party's initials rather than the party's name.)

- plaintiff(s) or petitioner(s);
- defendant(s) or respondent(s); and
- in child support cases, additional parties in the case, including the:
  - custodial parent;
  - non-custodial parent; and
  - presumed father.

Attach an additional page as necessary to list all parties.

**c) Person or entity completing sheet is.** Indicate whether the person completing the sheet, or the entity for which the sheet is being completed, is:

- an attorney for the plaintiff or petitioner;
- a *pro se* (self-represented) plaintiff or petitioner;
- the Title IV-D agency; or
- other (provide name of person or entity).

### 2. Case type.

Select the case category that best reflects the most important issue in the case. You must select only one.

### 3. Procedure or remedy.

If applicable, select any of the available procedures or remedies being sought in the case. You may select more than one.

### 4. Damages sought.

Select the damages being sought in the case:

(NOTE: If the claim is governed by the Family Code, do **not** indicate the damages sought.)

- only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney fees;
- monetary relief over \$100,000 or less and non-monetary relief;
- monetary relief over \$100,000 but not more than \$200,000;
- monetary relief over \$200,000 but less than \$1,000,000; or
- monetary relief over \$1,000,000.

**4**

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To:

**UNUM LIFE INSURANCE COMPANY OF AMERICA  
BY SERVING ITS REGISTERED AGENT CORPORATION SERVICE COMPANY  
D/B/A CSC-LAWYERS  
211 E. 7TH ST  
AUSTIN TX 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **298th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **MARGARET HOOBLER**

Filed in said Court **27th day of April, 2017** against

**UNUM LIFE INSURANCE COMPANY OF AMERICA**

For Suit, said suit being numbered **DC-17-04993**, the nature of which demand is as follows:  
Suit on **INSURANCE** etc. as shown on said petition **REQUEST FOR DISCLOSURE**, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 3rd day of May, 2017.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Kerry Kallie, Deputy  
KERRY KALLIE



**ESERVE**

**CITATION**

**DC-17-04993**

**MARGARET HOOBLER  
vs. UNUM LIFE INSURANCE  
COMPANY OF AMERICA**

**ISSUED THIS  
3rd day of May, 2017**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

By: KERRY KALLIE, Deputy

**Attorney for Plaintiff  
MARC R STANLEY  
MARCSTANLEY@MAC.COM  
STANLEY MANDEL & IOLA LLP  
3100 MONTICELLO AVENUE  
SUITE 750  
DALLAS TX 75205  
214-443-4300**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-17-04993

Court No.298th District Court

Style: MARGARET HOOBLER

vs. UNUM LIFE INSURANCE COMPANY OF AMERICA

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_